

**REMARKS**

Claims 29-32 are amended. Claims 29-40 are pending in the application.

Claims 29-40 stand rejected under 35 U.S. C. § 102 (e) as being anticipated by Moore, U.S. Patent No. 6,649,543. The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of a claim to be disclosed within a single prior art reference. Claims 29-40 are allowable over Moore for at least the reason that Moore does not disclose each and every element in any of those claims.

As amended, independent claim 29 recites a gate oxide layer comprising silicon dioxide and having an upper oxide-comprising surface in a lower oxide-comprising surface, forming a nitrogen enriched region only in an upper half of the gate oxide layer, and forming a conductive layer on and in direct physical contact with the upper oxide-comprising surface of the gate oxide layer. The amendment to claim 29 supported by the specification at, for example page 4, line 13 through page 5, line 7. Moore discloses formation of a nitrogen comprising region 22 formed on and/or within an oxide layer 18 (Col. 3, lines 14-15), and forming a layer of silicon nitride 24 over a nitrogen enriched portion of silicon dioxide (Col. 5, lines 30-33; and Fig. 5). Moore indicates that a conductive layer 26 can be formed on the silicon nitride (Col. 6, lines 9-19; and Figs. 6-7). Moore does not disclose or suggest the claim 29 recited forming a conductive layer on and in direct physical contact with an upper oxide-comprising surface of a gate oxide layer. Accordingly, independent claim 29 is not anticipated by Moore and is allowable over this reference.

Dependent claims 30-32 are amended to properly depend from independent claim

29. Dependent claims 30-40 are allowable over Moore for at least the reason that they depend from allowable base claim 29.

For the reasons discussed above, claims 29-40 are allowable. Accordingly, applicant respectfully requests formal allowance of claims 29-40 in the Examiner's next Action.

Respectfully submitted,

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